

**20350. Adulteration and misbranding of butter. U.S.v. 150 Cases of Butter. Judgment of condemnation. Product released under bond, to be reworked. (F. & D. no. 29008. Sample no. 26235-A.)**

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On or about September 23, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 17, 1932, by Borden's Produce Co., Inc., from Willow Springs Division, Springfield, Mo., to New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cartons) "Mountain Cream Butter \* \* \* Pasteurized Creamery Butter \* \* \* Churned fresh daily for Phillips-Trawick Co. \* \* \* New Orleans, Louisiana."

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the product was labeled "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On October 13, 1932, Borden's Produce Co., Inc., Springfield, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked under the supervision of this Department in order to bring it into conformity with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*